

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COLUMBIA GAS TRANSMISSION CORPORATION,

Plaintiff,
-against-

LEWIS PERRY, YOLANDA PERRY, ALEXANDER ROAD ASSOCIATION, INC., ANTHONY VULPONE, ESTATE OF ANTHONY VULPONE, ROBERT ANTALOCY, THOMAS HARRIS, DOLORES A. KORZ, JOHN P. KILDUFF, KENNETH LEE d/b/a "I CAN GET IT FOR YOU WHOLESALE", SALLIE E. HARMON, PAUL RUGGERIO, MICHELLE RUGGERIO, TERRANCE DONNARY, ANDREW PERNA, KAREN PERNA, ROBERT McMAHON, CARL McMAHON, KELVIN M. LEWIS, MARCHELLE KIRBY, JHON GORDON, RUTH MONROE, EDWARD R. MATEO, ROSANN P. MATEO, ADAM DORAN, NICOLE DORAN, CREDENCE DEVELOPMENT, INC., RICHARD DELISI, ADELAIDE FAULKNER, PAUL ESPEL, CAROL ESPEL, DAWN FORNOFF, RICHARD BURTON, GARY MARINA, and JOHN DOE NO. "1" through "10", inclusive, the names of the last ten defendants being fictitious, the true names being unknown to plaintiff, the parties intended being those having an ownership interest in property effected by a certain easement described in the complaint,

Civil Action No.:
07-CV-5739 (KMK)

ECF CASE

DEFENDANTS' NOTICE
OF MOTION AND
MOTION FOR
SUMMARY JUDGMENT

Defendants.

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TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendants Lewis Perry and Yolanda Perry, Alexander Road Association, Inc., Edward R. Mateo and Rosann P. Mateo, Adam Doran and Nicole Doran, Credence Development, Inc. and Richard Delisi will and hereby do move the Court for Summary Judgment on the ground that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law for the reason that the rights provided to Columbia Gas are contained in the Lillian Alexander

Grant and that Columbia Gas' rights have been established by use from the inception of the Lillian Alexander Grant to this date and that the Lillian Alexander Grant expressly provides that Defendants be awarded costs, expenses, and attorneys fees attendant to this action.

This motion is based upon this Notice of Motion, the accompanying Memorandum of Law, the Declaration of Lewis Perry dated May 12, 2008, the Declaration of Edward R. Mateo dated May 12, 2008, the Declaration of Adam Doran dated May 12, 2008, the Declaration of Richard Delisi dated May 12, 2008, the accompanying Memorandum of Law and all pleadings and papers on file in this action, and upon such other matters as may be presented to the Court at the time of the hearing.

Oral argument will be on a date and at a time designated by the Court.

Dated: May 13, 2008

Respectfully submitted,

ZRAICK, NAHAS & RICH

By: /s/ Stuart E. Nahas

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Attorneys for Defendants and Counter-
Claimants Lewis Perry, Yolanda Perry,
Alexander Road Association, Inc., Edward R.
Mateo, Rosann P. Mateo, Adam Doran, Nicole
Doran, Credence Development, Inc. and
Richard Delisi